

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 47537

Date: February 21, 2023

Re: Sole Source Certification Number 4521 for ESRI Products and related maintenance services for the State of Mississippi

Contact Name: Evan Thiemann

Contact Phone Number: 601-432-8065

Contact E-mail Address: Evan.Thiemann@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4521 for the State of Mississippi, please be advised that ITS intends to award Environmental Systems Research Institute, Inc. (Esri), as the sole source provider of Esri Products and related maintenance services through March 31, 2026, as needed for state agencies and public universities under ITS' procurement purview. Should Environmental Systems Research Institute, Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy, and procedures for sole source procurements, refer to Attachment B: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

The Mississippi Coordinating Council for Remote Sensing and Geographic Information Systems recommended that ITS establish more convenient methods for state agencies and other Mississippi entities to procure geographic information systems (GIS), specifically from providers that the council recognized as industry leaders. Because no resellers may provide Esri products, maintenance, or support as a standalone offering open competition is not possible. No Products or services are being directly purchased via this sole source.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

ITS, in its mission to provide customer agencies with efficient pathways to legally procure mission critical software and technological services, is establishing this

sole source for Esri as the provider of ArcGIS and other Esri software products, maintenance, and support. It is up to individual agencies to decide which software is mission critical and whether Esri's ArcGIS or other products meet their needs.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Esri has certified that it is the sole-source provider of Esri products and related maintenance services in the U.S. commercial, state, and local government marketplace. Esri only utilizes resellers in specific instances that are outside of the scope of the resulting EPL. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	02/21/23
Second Advertisement Date	02/28/23
Response Deadline from Objectors	03/07/23 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 03/08/23

Project Details

The Mississippi Coordinating Council for Remote Sensing and Geographic Information Systems was created out of House Bill 861 during the 2003 regular session of the Mississippi Legislature. The council's responsibilities included assisting ITS in establishing policies and standards in the review and approval of procurements of both hardware and software related to remote sensing and geographic information systems (GIS.) On September 2, 2004, the council approved the establishment of EPLs for certain GIS software based upon standards recommended by the council's Technical User Group Standards Sub-Committee. Esri's product, ArcGIS, was one of several GIS recommended by this sub-committee for a dedicated EPL.

Esri does not utilize resellers for its products when sold as a standalone solution. To date, multiple state agencies use Esri products that will require maintenance renewals.

ITS is certifying the Esri software and hardware maintenance renewals on behalf of Mississippi State government agencies and public universities. This certification can be used by state government agencies and public universities during the 3-year period as needed without the need for recertification.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Esri Products and related maintenance services should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Environmental Systems Research Institute, Inc..

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

- 1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.
- 1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.
- 1.3 Comments will be accepted at any time prior to Tuesday, March 7, 2023, at 3:00 p.m. (Central Time) to Evan Thiemann at Evan.Thiemann@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Evan Thiemann to verify the receipt of their Responses. Responses received after the deadline will be rejected.
- 1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4521-47537
Accepted until March 7 @ 3:00 p.m.,
ATTENTION: Evan Thiemann**

If you have any questions concerning the information above or if we can be of further assistance, please contact Evan Thiemann at 601-432-8065 or via email at Evan.Thiemann@its.ms.gov.

Attachment A: Vendor Correspondence
Attachment B: Sole Source Procurement Overview

SOLE SOURCE LETTER - NONFEDERAL
Environmental Systems Research Institute, Inc. (Esri)
380 New York Street
Redlands, CA 92373



DATE: 12/27/2022

TO: State of Mississippi To Whom It May Concern

FROM: Jackie Ricks, Esri Contract Coordinator/Contracts & Legal Department

RE: Esri Sole Source Justification for Geographic Information System Software

This letter confirms that Esri is the sole-source provider of Esri products and related maintenance services in the U.S. commercial, state, and local government marketplace, subject to the disclosures set forth below.

Esri distributes Esri software licenses and maintenance in combination with non-Esri hardware, software, or services through Esri Partners that are open-market value-added resellers, system integrators and OEMs. Additionally, some Esri Partners also distribute Esri software licenses, subscriptions, and subscription renewals separately or in combination with non-Esri software or services through resellers to customers that provide architectural, engineering, and construction services.

If you have further questions, please contact me at jricks@esri.com.

A handwritten signature in blue ink that reads "J. Ricks". Below the signature, the name "Jackie Ricks" is printed in a small, black, sans-serif font.

Jackie Ricks

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment A.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.